



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,819	11/15/2001	James Macor	501042-A-01-US	6862

7590

07/14/2005

Woodbridge & Associates
PO Box 592
Princeton, NJ 08542

EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,819

Applicant(s)

MACOR, JAMES

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1-7 and 14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al. (US 6,408,191 B1) in view of Lu (US 2002/0164975 A1), in view of Amin et al. (6,630,883 B1) and in further view of Udom (US 2003/0023882 A1).

Regarding **claim(s) 1**, Blanchard discloses a wireless security and access device (column 1, lines 11-14), comprising:
a housing (100 on FIG. 1);

a wireless radio receiver embedded in the housing for receiving notification of an arrived message (column 4, lines 30-36) [The RF receiver 111 is embedded in the housing 100 and received a notification of messages];

a processor and memory embedded in the housing for processing and storing the notification (column 3, lines 33-50) [The CPU 113 and the data memory are embedded in the housing 100 and control all the operation of device];

an indicator for displaying the notification (column 5 lines 8-14) [The user interactive display 210 displays the notification of the message]; and

a radio transmitter embedded in the housing for transmitting a radio signal (column 3, lines 9-13) [The RF transmitter 111 is embedded in the housing 100 and transmits signal to the communications network].

Blanchard discloses a radio transmitter and displaying messages screens on the telephone terminal but fails to disclose a preset unique radio signal from the wireless device is adapted to interface with a radio receiver of a personal computer.

However, Lu, in the same field of endeavor, teaches a preset unique radio signal from the wireless security and access device is adapted to interface with a radio receiver of a personal computer preset to receive the unique radio signal (FIG. 1A and ¶ 0018) [The transmitter 115 transmits a triggering signal 120 wirelessly to the receiver of the personal computer 130, thereby a preset unique radio signal from the wireless device is adapted to interface with a radio receiver of a personal computer preset to receive the unique radio signal].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Blanchard using the triggering signal to a personal computer as taught by Lu.

This modification of the invention would have the advantage of the mobile phone to transmit a triggering signal to the computer so that the user would not loose and incoming call while using a computer (Lu: paragraph 0008).

Blanchard in combination with Lu disclose a radio receiver receiving a notification of a voice mail message but fails to disclose a radio receiver receiving a notification of an e-mail message.

However, Amin, in the same field endeavor, teaches receiving a notification of e-mail message (FIG. 2 and column 4, line 66 to column 5, line 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Blanchard using the cellular telephone as taught by Amin.

This modification of the invention would enable the radio receiver to receive a notification of an e-mail message so that the subscriber would able to retrieve the e-mail message (Amin: column 2, lines 11-15).

Blanchard in combination with Lu and Amin disclose wireless device but fails to disclose a wireless security and access device.

However, Udom, in the same field endeavor, teaches a wireless security and access device (FIG. 1 and paragraph 0008).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Blanchard using the biometric characteristic device as taught by Udom.

This modification of the invention would enable the system to have a wireless security and access device so that the user would not have to remember any sort of password (Udom: paragraph 0007).

Regarding **claim(s) 2 and 15**, Lu teaches the personal computer receiver prompts the computer to perform predetermined actions upon receipt of the unique radio signal (§ 0018).

Regarding **claim(s) 3**, Lu teaches the predetermined actions include turning the personal computer on (§ 0021).

Regarding **claim(s) 4**, Lu teaches the predetermined actions include opening predetermined programs (§ 0019).

Regarding **claim(s) 5**, Lu teaches a display coupled to the processor for activation upon receipt of the notification of an arrived message (§ 0019).

Regarding **claim(s) 6**, Lu teaches a manually operable switch for activating the transmitter to transmit the preset unique radio signal (§ 0022).

Regarding **claim(s) 7 and 17**, Blanchard discloses the device is incorporated into a wireless telephone handset (FIG. 2).

Regarding **claim(s) 14**, Blanchard in combination with Lu, Amin and Udom disclose all the limitations of **claim(s) 14** as stated in **claim(s) 1**'s rejection and furthermore Blanchard discloses a wireless receiver embedded in said housing for receiving notification of a voicemail message (column 4, lines 30-36) [The RF receiver 111 is embedded in the housing 100 and received a notification of a pending voice messages].

Regarding **claim(s) 16**, Blanchard discloses the predetermined actions include retrieving the voicemail message (column 6 lines 1-15).

4. **Claim(s) 8-10 and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier et al. (US 6,535,586 B1) in view of Udom.

Regarding **claim(s) 8**, Cloutier discloses a method for providing secure access to electronic messages residing on a personal computer (FIG. 2 and column 1, lines 6-9), comprising the steps of:

receiving notification at a remote wireless device that an incoming electronic message has been received at a computer (FIG. 2 and column 5, lines 13-22) [The

wireless communication device receives an e-mail alert from the messaging server 120];

transmitting a preset unique radio signal to the computer, wherein the computer is preset to retrieve the electronic message upon receipt of the preset unique radio signal (FIG. 5 and column 7, lines 7-14) [The user transmits the signature code to the messaging server 120 and upon receiving it retrieves the message for the user].

Cloutier discloses the user device to be a wireless device but fails to disclose a wireless security and access device.

However, Udom, in the same field endeavor, teaches a wireless security and access device (FIG. 1 and paragraph 0008).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Blanchard using the biometric characteristic device as taught by Udom.

This modification of the invention would enable the system to have a wireless security and access device so that the user would not have to remember any sort of password (Udom: paragraph 0007).

Regarding **claim(s) 9**, Cloutier discloses the notification received in the receiving step is transmitted by a radio transmitter of the personal computer (column 5, lines 13-22).

Regarding **claim(s) 10**, Cloutier discloses the notification received in the receiving step is transmitted by a radio transmitter of a service provider (column 5, lines 4-11).

Regarding **claim(s) 12**, Cloutier discloses the personal computer includes a wireless receiver that prompts the computer to perform predetermined actions upon receipt of the unique radio signal (column 5, lines 13-27).

Regarding **claim(s) 13**, Cloutier discloses the step of receiving a notification that an incoming message has been received comprises visible or audible activation of the indicator on the wireless security and access device (column 5 lines 13-27).

5. **Claim(s) 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier in view of Udom as applied to **claim(s) 8** above, and further in view of Blanchard, Lu and Amin.

Regarding **claim(s) 11**, Cloutier in combination with Udom as applied to claim(s) 8 above differ from claim(s) 11 in that it fails to disclose a housing with a wireless radio receiver, a processor, an indicator and a radio transmitter.

However, Blanchard teaches all the limitations of **claim(s) 11** as stated in **claim(s) 1**'s rejection.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Cloutier using the housing as taught by Blanchard.

This modification of the invention would enable the system to show the wireless security device housing so that the user would have the advantage to see the display.

6. **Claim(s) 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin (US 6,014,559) in view of Udom.

Regarding **18**, Amin' 559 discloses a method for providing secure access to voicemail messages residing on a telecommunication system (FIG. 1 and column 1, lines 7-10), comprising the steps of:

receiving notification at a remote wireless device that an incoming voicemail message has been received at a telecommunication system (FIG. 5 and column 7, lines 43-48) [The subscriber receives a notification of a voicemail message on a wireless device from the messaging center]; and

transmitting a preset unique radio signal to the telecommunication system, wherein the telecommunication system is preset to retrieve the voicemail message upon receipt of the preset unique radio signal (FIG. 5 and column 7, lines 62-67) [The wireless device sends a signal to the voicemail system and retrieves the voice mail message].

Amin' 559 discloses the user device to be a wireless device but fails to disclose wireless device a wireless security and access device.

However, Udom, in the same field endeavor, teaches a wireless security and access device (FIG. 1 and paragraph 0008).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Amin' 559 using the biometric characteristic device as taught by Udom.

This modification of the invention would enable the system to have a wireless security and access device so that the user would not have to remember any sort of password (Udom: paragraph 0007).

Regarding **claim(s) 19**, Amin' 559 discloses the telecommunications system includes a wireless receiver prompts the system to perform predetermined actions upon receipt of the unique radio signal (FIG. 5 and column 7, lines 43-48).

Regarding **claim(s) 20**, Amin' 559 discloses the step of receiving a notification that an incoming voicemail message has been received comprises visible or audible activation of the indicator on the wireless security and access device (FIG. 5 and column 7 lines 62-67).

Response to Arguments


7. Applicant's arguments with respect to **claim(s) 1-20** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
July 1, 2005